

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

8 NEREO RAMIREZ,

9 Defendant.

NO. CR13-5582BHS

ORDER GRANTING UNOPPOSED
MOTION TO EXTEND TIME TO FILE
INDICTMENT UNDER SPEEDY TRIAL
ACT

10 The Court, having considered the Motion To Extend Time To File Indictment Under
11 Speedy Trial Act finds that:

12 1. Mr. Ramirez is charged by Complaint with one count of Illegal Reentry after
13 Deportation, in violation of Title 8 U.S.C. section 1326(a).

14 2. Mr. Ramirez made his Initial Appearance on October 10, 2013, at which time the
15 Court ordered him detained.

16 3. Under the Speedy Trial Act, an Indictment charging a defendant must be filed
17 within 30 days from the date on which the defendant was arrested or served with a
18 summons in connection with such charges. 18 U.S.C. § 3161(b). Hence, at the present
19 time, the United States must obtain an Indictment in this case on or before November 8,
20 2013, to meet the requirements of the Speedy Trial Act.

21 4. The defense has not yet had the opportunity to review discovery in detail with Mr.
22 Ramirez or conduct investigation or legal research regarding his relevant criminal history
23 and other pertinent issues. Based on the facts set forth in the defense motion, the defense
24 does not have adequate time between the present time and the current deadline for
25 indictment to provide effective legal assistance to Mr. Ramirez. The defense believes that
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1 the ability to conduct investigation and legal research, as well as a thorough review of the
 2 Government's case with Mr. Ramirez, is essential to providing effective legal
 3 representation to Mr. Ramirez at this stage of the proceedings.

4 5. The parties are jointly seeking an Order extending the time within which an
 5 Indictment must be filed on the ground that the "ends of justice served by taking such
 6 action outweigh the best interests of the public and the defendant in a speedy trial," as
 7 permitted by 18 U.S.C. §§ 3161(h)(7)(A), (B)(i) and (B)(iv).

8 6. The defendant has executed a Waiver of Speedy Indictment waiving rights under
 9 the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this regard, and
 10 has further agreed that the period from the date this Order is signed, until January 31, 2014,
 11 shall be an excludable period of time under the Speedy Trial Act pursuant to 18 U.S.C. §
 12 3161(h)(7)(A).

13 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an Indictment
 14 in this matter be extended to January 31, 2014. The period of delay resulting from this
 15 continuance from the date of this Order up to and including January 31, 2014, is hereby
 16 excluded for speedy trial purposes under 18 U.S.C. §3161(h)(7).

17 IT IS SO ORDERED this 24th day of October, 2013.

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21 BENJAMIN H. SETTLE
 22 United States District Judge

23 Presented by:

24 s/ Miriam Schwartz
 25 Miriam Schwartz
 26 Attorney for Nereo Ramirez